

REMARKS

I. Status of the Application

Claims 11-34 are pending in this application. In the January 16, 2007 office action, the examiner rejected claims 11-14 and 17-30, and objected to Figure 9. Applicant appreciatively notes the examiners conditional allowance of claims 15-16 and 25-26.

In this response new claims 31-34 have been added relating to these conditionally allowed claims in independent form incorporating all intervening limitation with the clarity rejection resolved. Applicant has also amended claims 11 and 22. As set forth below, applicant respectfully traverses that examiners rejection of claims 11-30 and Figure 9.

II. Drawings

The drawings were objected to under 37 CFR 1.121 (d), as Figure 9 allegedly contains unclear structure. Figure 9 has now been amended to make the structure clear. As such, Applicants respectfully submit that drawings are now in compliance with 37 CFR 1.121 (d).

III. 35 U.S.C. 112 second paragraph

In the January 16, 2007 office action, the examiner rejected Claims 21-30 under 35 U.S.C. 112 second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 21 has now been amended to make the combination of resistors and capacitors clear. As such, Applicants respectfully submit that claims are now in compliance with 35 U.S.C. 112, second paragraph.

IV. The rejection under 35 U.S.C. 102 (b) should be withdrawn

To establish a *prima facie* case of anticipation, the examiner must show that each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference M.P.E.P. §2131.

In the January 16, 2007 office action, the examiner rejected Claims 11, 13, 14, 17, 18, 21, 23, 24, 27 and 28 under 35 U.S.C. 102 (b), as allegedly being anticipated by U.S. Patent No. 5,420,547 to Kikuchi ("Kikuchi"). In particular, the Examiner considers Kikuchi to disclose or teach all of the features of claims 11, 13, 14, 17, 18, 21, 23, 24, 27 and 28 of the present application. Applicant submits that each and every element as set forth in claims 11, 13, 14, 17, 18, 21, 23, 24, 27 and 28 is not found, either expressly or inherently, in Kikuchi. Thus, the cited reference does not anticipate the claimed invention.

Claims 11 and 21 require, inter alia:

"the loading structure comprising
at least one resistive element in series with a reactive element to form a series combination,
the series combination being connected in parallel with a further reactive element,
the loading structure having a time constant determined dominantly by the series combination at high control current"

In contrast Kikuchi discloses various components connected in a completely different configuration compared to that required in claim 11 and 21. For example in Kikuchi, even if the combination of C_{11} and T_{11} could be said to be a series R/C combination as alleged by the examiner (which is not admitted), there is no reactive element in parallel with C_{11} and T_{11} , as claimed. Further Kikuchi does not disclose the loading structure having a time constant determined dominantly by the series combination at high control current.

Kikuchi does not teach the required elements of claim 11 or 21. Accordingly claims 11 and 21 are patentable over Kikuchi.

Claims 13, 14, 17 and 18 depend from claim 11 and claims 23, 24, 27 and 28 depend from claim 21 and add further limitations thereto. The submissions above in relation to claim 11 and 21 are repeated in relation to the patentability of claims 13, 14, 17, 18, 23, 24, 27 and 28. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

V. The rejections under 35 U.S.C. 103(a) should be withdrawn

To establish a *prima facie* case of obviousness, the examiner must satisfy three basic criteria M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to an artisan of ordinary skill in the art, as at the date of invention, to modify the reference or to combine the reference teachings. Second there must be a reasonable expectation of success. Finally the prior art references when combined must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable chance of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. Claims 12 and 22

In the January 16, 2007 office action, the examiner rejected Claims 12 and 22 under 35 U.S.C. 103 (a), as allegedly being unpatentable over Kikuchi in view of U.S. Patent No. 5,206,609 to Mijuskovic ("Mijuskovic"). More specifically, the Examiner has objected to claim 16 as he considers this claim to be obvious in light of a combination of the teachings of Kikuchi and Mijuskovic.

1. No Motivation to Combine as Proposed

It is respectfully submitted that the Examiner has not provided a legally sufficient reason as to why one skilled in the art would seek to combine the references as proposed. Applicants respectfully submit that one skilled in the art would not be motivated to combine the references, as at the date of invention.

Similarly there does not appear to be a reasonable chance of success, given the disparate disclosures of Kikuchi and Mijuskovic, and no teaching of how the delay stage of Mijuskovic could be implemented into the voltage controlled oscillator of Kikuchi.

2. The Proposed Combination Does Not Arrive at the Invention

Claims 12 and 22 depend from claims 11 and 21, respectively. As discussed above in, Kikuchi does not teach or describe each and every element of either of claims 12 and 22. Moreover, Mijuskovic does not disclose the lacking features in Kikuchi. Consequently any valid combination of Kikuchi and Mijuskovic cannot possibly disclose all of the required limitations of claims 12 or 22.

Kikuchi, Mijuskovic or any valid combination thereof, do not teach or suggest an arrangement for use in a current controlled oscillator having the required limitations of claims 12 or 22. Accordingly claims 12 and 22 are patentable over Kikuchi in view of Mijuskovic.

B. Claims 19, 20, 29 and 30

In the January 16, 2007 office action, the examiner rejected Claims 19, 20, 29 and 30 under 35 U.S.C. 103 (a), as allegedly being unpatentable over Kikuchi in view of U.S. Patent No. 4,519,086 to Hull et al. ("Hull"). More specifically, the Examiner has objected to claims 19, 20, 29 and 30 as he considers these claims to be obvious in light of a combination of the teachings of Kikuchi and Hull.

The submissions above in relation to claims 11 and 21 are repeated in relation to the patentability of claims 19, 20, 29 and 30.

1. No Motivation to Combine

The examiner states one skilled in the art would be motivated to combine the references in order to reduce cost and size. Applicants respectfully submit that one skilled in the art would not be motivated to combine the references, as at the date of invention, since there is no evidence that the voltage controlled oscillator of Kikuchi is either large or expensive. Applicants also disagree that Hull advocates replacing the technology used to Kikuchi with MOSFET technology to reduce size and cost. Hull only advocates incorporating an integrated PLL "on-chip" with a disk controller chip to reduce the size of the PCB.

B. The Proposed Combination does not Arrive at Invention

More importantly Kikuchi does not teach all of the required limitations of claims 19, 20, 29 and 30. Hull does not disclose the lacking features in Kikuchi. Consequently any valid combination cannot possibly disclose all of the required limitations of claims 19, 20, 29 and 30.

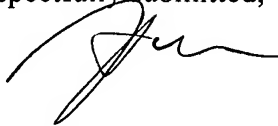
Kikuchi, Hull or any valid combination thereof, do not teach or suggest an arrangement for use in a current controlled oscillator having the required limitations of claims 19, 20, 29 or 30. Accordingly claims 19, 20, 29 and 30 are patentable over Kikuchi in view of Hull.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted that the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including claims 11-34, is therefore respectfully requested

In the event that the applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account No. 13-0014.

Respectfully submitted,



Harold C. Moore
Attorney Registration No. 37,892

Please address any correspondence to:
Harold C. Moore
Maginot, Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5109

Telephone: (317) 638-2922
Facsimile: (317) 638-2139
Email: hcmoores@maginot.com